

Case No. 21-2263

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

Students for Fair Admissions, Inc.,
Plaintiff-Appellant

v.

University of North Carolina, et al.,
Defendants-Appellees

and

Cecilia Polanco, et al.,
Intervenors/Defendants

PARTIES' CONSENT MOTION FOR VOLUNTARY DISMISSAL

On November 11, 2021, Plaintiff-Appellant, Students for Fair Admissions (SFFA), filed a petition for certiorari before judgment with the Supreme Court in this case. *See Petition for Certiorari, SFFA v. University of North Carolina, et al.*, No. 21-707 (S. Ct.), <https://perma.cc/H9T8-YK3Q>. On January 24, 2022, the Supreme Court granted the petition for certiorari before judgment. *See Students for Fair Admissions v. Univ. of N. Carolina*, 142 S. Ct. 896 (2022).

On June 29, 2023, the Supreme Court reversed the district court and held in favor of Plaintiff-Appellant. *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, No. 20-1199, 2023 WL 4239254, at *23 (U.S. June 29, 2023). In light of this decision, this Court ordered the parties to submit a consent motion for voluntary dismissal pursuant to Federal Rule of Appellate Procedure 42(b). *See* Doc. 51.

With the consent of Defendants and Intervenors, SFFA voluntarily moves to dismiss this appeal. The parties have agreed to bear their own costs for purposes of the limited proceedings in this Court. *See* Loc. R. 39(c) (listing “the only costs generally taxable in the Court of Appeals”). All other costs related to this litigation will be settled in the district court.

For the foregoing reasons, the Court should grant the parties’ motion for voluntary dismissal and remand this case to the district court.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 222 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f). I further certify that this motion complies with the typeface and type-style requirements of Fed. R. App. P. 32(a)(5)-(6) because it has been prepared in a

proportionally spaced 14-point Century Schoolbook font using Microsoft Word.

/s/ Thomas R. McCarthy

CERTIFICATE OF SERVICE

On July 31, 2023, I electronically filed the foregoing motion, which will notify all counsel of record.

/s/ Thomas R. McCarthy